

No. 67
STATE OF MICHIGAN
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101st Legislature
REGULAR SESSION OF 2021

Senate Chamber, Lansing, Thursday, September 9, 2021.

10:00 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Lana Theis.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—present
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present

Hollier—present
Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—excused
Zorn—present

Senator Curtis S. VanderWall of the 35th District offered the following invocation:

Father, we come to You today and we ask that You guide us, You help us lead this state. We also ask that during this week we remember what happened 20 years ago. We ask that You continue to bless this nation, allow us to understand, allow us to work with others to continue to move us forward.

We pray for those who have lost loved ones and their struggles. We think of those who are battling illness and we ask that Your healing hand be placed upon them. We pray now that You are with us, that we work together, that we lead together, and that we continue to remember You in all that we do.

We pray now that You bless this day, bless all of us here, and all of us in this great state and our great nation. For Jesus' sake. Amen.

The Assistant President pro tempore, Senator Theis, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Chang moved that Senators Ananich and Hertel be temporarily excused from today's session. The motion prevailed.

Senator Chang moved that Senator Wojno be excused from today's session. The motion prevailed.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:03 a.m.

10:36 a.m.

The Senate was called to order by the Assistant President pro tempore, Senator Theis.

During the recess, Senators Ananich and Hertel entered the Senate Chamber.

Messages from the Governor

The following message from the Governor was received on September 3, 2021, and read:

EXECUTIVE ORDER No. 2021-13

Declaration of State of Emergency

On August 30, 2021, the city of Flat Rock, located primarily in Wayne County, experienced a hazardous materials emergency in the form of an unknown odor, posing a serious health and safety threat to residents. The contaminant and source of the odor have not been identified, but the leak has the potential to be explosive. The Department of Environment, Great Lakes & Energy and the United States Environmental Protection Agency are involved in investigation and testing. On September 1, 2021, Wayne County and the city of Flat Rock declared local states of emergency in response to this situation. As of September 2, 2021, detectable levels of the contaminant in the sewer system continue to warrant a concern of explosion and several homes have been evacuated.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor. Under the Emergency Management Act, 1976 PA 390, as amended, MCL 30.403(4), "[t]he governor shall, by executive order or proclamation, declare a state of emergency if he or she finds that an emergency has occurred or that the threat of an emergency exists."

Therefore, acting under the Michigan Constitution of 1963 and Michigan law, including the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 to 30.421, I find it reasonable and necessary to order the following:

1. A state of emergency is declared for the city of Flat Rock and the counties of Wayne and Monroe.
2. The Emergency Management and Homeland Security Division of the Department of State Police must coordinate and maximize all state efforts and may call upon all state departments and other member states of the Interstate Emergency Management Assistance Compact to use available resources to assist in the designated areas under the Michigan Emergency Management Plan.
3. The state of emergency is terminated at such time as the threats to public health, safety, and property caused by the emergency no longer exist, and appropriate programs have been implemented to recover from the effects of this emergency, but in no case later than September 30, 2021 unless extended as provided by the Emergency Management Act.

Date: September 2, 2021

Time: 9:37 p.m.

[SEAL]

Gretchen Whitmer
Governor

By the Governor:
Jocelyn Benson
Secretary of State

The executive order was referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Lauwers moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the Assistant President pro tempore, Senator Theis, designated Senator Polehanki as Chairperson.

After some time spent therein, the Committee arose; and the Assistant President pro tempore, Senator Theis, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 315, entitled

A bill to amend 2008 PA 551, entitled "Uniform securities act (2002)," (MCL 451.2101 to 451.2703) by amending the title, as amended by 2014 PA 355, and by adding article 5A.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 280, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 471 and 477 (MCL 168.471 and 168.477), as amended by 2018 PA 608.

Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 306, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 33a. Substitute (S-1).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Theis offered the following resolution:

Senate Resolution No. 81.

A resolution to observe September 2021 as Life Insurance Awareness Month.

Whereas, The Life and Health Insurance Foundation for Education (LIFE) and a coalition representing hundreds of leading life insurance companies and organizations have designated September as Life Insurance Awareness Month; and

Whereas, LIFE's goal is to get consumers thinking about their need for life insurance protection, to encourage them to seek advice from a qualified insurance professional, and to take the actions necessary to achieve a financially secure future for their loved ones; and

Whereas, The vast majority of Americans recognize that it is important to protect their loved ones with life insurance; and

Whereas, The life insurance industry pays roughly \$60 billion to beneficiaries each year, providing a tremendous source of financial relief and security to families that experience the loss of a loved one; and

Whereas, Despite the importance that people place on life insurance and the peace of mind that it brings to millions of American families, there are still many Americans who lack adequate coverage; and

Whereas, Today, the unfortunate reality is that roughly 95 million American adults do not have life insurance and ownership of both individual and employer-sponsored life insurance has declined in recent years; and

Whereas, When the economy remains stagnant and so many families continue to struggle, life insurance coverage is more important than ever because most families have fewer financial resources than in years' past, increasing their overall financial vulnerability; now therefore, be it

Resolved by the Senate, That the members of this legislative body observe September 2021 as Life Insurance Awareness Month. We urge citizens to learn more about life insurance and its benefits.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Lauwers moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

Senators Runestad, Theis, Outman, MacDonald, Johnson, Daley, Bizon, Zorn and VanderWall offered the following resolution:

Senate Resolution No. 82.

A resolution to observe September 11-17, 2021, as Patriot Week.

Whereas, In great reverence to the victims of the attacks on September 11, 2001, American citizens must first take time to honor the principles, founders, documents, and symbols of our country's history; and

Whereas, Each year on September 17th, Constitution Day is honored in public schools across the nation; and

Whereas, The events that led the delegates to sign the Constitution of the United States of America on September 17, 1787, have significance for every American; and

Whereas, The revolution, rule of law, social compact, equality, unalienable rights, and limited government are the first principles upon which our country was founded and flourishes; and

Whereas, Exceptional, visionary, and indispensable Americans that have founded and advanced the United States include: James Madison, Thomas Paine, Patrick Henry, John Adams, John Marshall, George Washington, Abraham Lincoln, Frederick Douglass, Martin Luther King Jr., Cesar Chavez, Elizabeth Cady Stanton, Susan B. Anthony, and Thomas Jefferson; and

Whereas, The Declaration of Independence, the Constitution, the congressional resolution forwarding the Constitution to the states, *Marbury v Madison*, Seneca Falls Declaration of Sentiments and Resolutions, the Gettysburg Address, the Emancipation Proclamation, *Brown v Board of Education*, the Civil Rights Act of 1964, and the "I Have A Dream" speech are key documents that embody America's first principles and have advanced American Liberty; and

Whereas, The Bennington Flag, Betsy Ross American flag, Suffragist Flag, Fort Sumter Flag, Gadsden Flag, current American flag, and the Michigan state flag are all fundamental, physical symbols of our country's history and freedom that should be studied and remembered by each citizen; and

Whereas, Citizens, educational institutions, government agencies, municipalities, nonprofit, religious, labor, community and business organizations are urged to recognize, participate, and celebrate Patriot Week so that all may offer the reverence that is due to our free republic; now, therefore, be it

Resolved by the Senate, That the members of this legislative body observe September 11-17, 2021, as Patriot Week; and be it further

Resolved, That we recognize that understanding American history and America's first principles are indispensable to the survival of our republic as free people; and be it further

Resolved, That we encourage each generation to renew the American spirit based on the country's first principles, historical figures, founding documents, and symbols.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations,

Senator Lauwers moved that the rule be suspended.

The motion prevailed, a majority of the members serving voting therefor.

The resolution was adopted.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senator McBroom introduced

Senate Bill No. 633, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3a (MCL 15.263a), as amended by 2021 PA 54.

The bill was read a first and second time by title and referred to the Committee on Oversight.

Statements

Senators Hollier, Ananich, Barrett, MacDonald, LaSata and McMorro asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hollier's statement is as follows:

Twenty years ago, we all had an experience with 9/11. I was 15, starting my junior year and coming back into class I saw a large fire, and any time I saw a large fire—one that would be big enough for TV—I immediately thought about my dad because any fire that big, my dad was going to be on site. Very quickly I realized that it was New York City and like many of you, we all sat and watched. We sat and watched as firefighters and police officers helped people get out of these buildings, we saw some people go back in, we saw a second plane hit the towers, we saw them fall. I don't know how it felt for you, but it was an experience that you couldn't look away from and you didn't know how to process and that whole time, it was this constant feeling of, What should I be doing, how should it be done, what's next? We thought about things like, Should we still have football that week? Should we still have homecoming games? The President stood out and said the only way you don't let the terrorists win is by being Americans, by standing up and doing the things you're already planning to do, and we did. People enlisted, they signed up for the military, they did things they had not already planned on, and then people's plans changed completely. My plans changed completely. In those moments, we thought we were going to go do this thing and it would be over.

Twenty years later, even though our troops have left Afghanistan, even though the war in Iraq is over, the war on terrorism isn't, and it's only growing. My reserve unit is talking about where we go and for the last almost ten years, we've been CENTCOM-aligned which meant that if anything ever happened in the Middle East, that's where we'd go. As these targets shift, as these problems shift, the war on terrorism isn't ending, it's not decreasing, it's not degrading, where we're going is moving, but our soldiers are still deployed and still engaged in these types of moments.

One of the things we often forget when we think about 9/11 is that it was so much about the first responders who responded that day and continue to do so—the firefighters, the police officers, the EMTs, the nurses—all the folks who on one day had the experience of a lifetime and are still grappling with how they deal with those moments. The trauma that we've all been trying to deal—that most of us just saw on TV—imagine living with it. One of my college friend's aunts was supposed to be on one of those planes, and to this day she still has a framed copy of her ticket for the plane she missed. We know stories in here of friends who were late for work that day and as a result are here today in ways that they wouldn't. The survivors' remorse, the guilt, all of those things are things that we continue to have to deal with but we can only address by doing the work.

When we talk about what that work is, it's taking care of the people who have taken care of us for the last 20 years. My college roommate works for the State Department and is engaged in doing just that work, and I always talk about him because I'm proud of him. I'm proud that he's dedicated his life to us and that our diplomatic corps are going to play such an important role as we continue this global war on terrorism, as we continue this work, and so much of that work is taking care of the allies who have supported us—the translators, their family members, all of those folks who are looking for a new home—and Michigan should be one of those places. We should be opening our arms to the people who, on our worst day after the moment when we all said, Never again, stood up at great personal risk to be a part of defending our freedom, to be a part of making sure that attacks on our soil never happen again. Those are the people who today we should be thinking about. We should remember all the folks who have been deployed in this work to protect us, but most importantly we should be thinking about what we can do to serve others, to serve the folks who have stood up and in any number of ways put themselves in front of us, to put their families on hold to take care of us, to protect us, to ensure that we are taken care of.

I ask that as we think about this 20th anniversary of 9/11, we think not just about the sacrifices that people have made, but about the work we have left to do to protect them and ensure they are taken care of going forward.

Senator Ananich's statement is as follows:

I rise with a heavy heart, as often many of us have to do, to give a memorial to somebody in our community. Colleagues, I'd like to take a moment to recognize a very important person in the Flint community who we lost last week—Judge Tom Donnellan.

Some of you may know Tom from his time as director of Legal Aid for Genesee County and judge of the 68th District Court. In Flint, he was known for his sound judgement and passion for justice. He was ethical, intelligent, and devoted to our city. Throughout Tom's long and legendary career, he made a point to focus on helping those who most needed a hand. Tom is quoted as saying, "What thrills me is finding out that there was some type of an injustice done or an incorrect conclusion of the guilt of a defendant that I can set aside or correct." This is the true spirit of a good defense attorney and a good judge, a spirit that we could use even more of in the legal system and in the Legislature too.

With Tom's passing, we celebrate a life well-lived. Andrea and I send our love to Tom's wife Katherine, his daughters Jennifer and Patricia—I knew her as Patty—and the entire Donnellan family. Our hearts are with you.

A moment of silence was observed in memory of the Honorable Thomas M. Donnellan, former judge of the 68th District Court.

Senator Barrett's statement is as follows:

I rise today to give some remarks on the eve of the 20th anniversary of 9/11. I know my friend from the 2nd District spoke on this a moment ago, and I appreciate his remarks as well. Twenty years is an incredible amount of time. 9/11 for me really came and went without any notice because I was over in South Korea on a training exercise and the time zone difference made it so that we didn't even learn about the attacks of 9/11 until the early morning of September 12—so while everyone here in America was watching in somewhat real time what was taking place, we were somewhat oblivious, we were kind of cut off from a lot of communication, we were in the middle of the field on a training exercise and when I first learned about what had happened, myself and the platoon I was with in the field, we actually thought it was a training scenario that had been developed by the Army to sort of make up a scenario that we had to respond to. It wasn't until several hours later on September 12 that we realized it was, in fact, real, what had happened and the seriousness of what we were facing.

The direction of my life since then took a very dramatic turn in trajectory. I deployed to Guantanamo Bay, Cuba, flew a mission to Afghanistan, spent a year in Iraq, my decision to stay in the Army and pursue a career change into aviation. Today I stand before you at this podium as the only veteran in this chamber who is a veteran of Operation Iraqi Freedom and Operation Enduring Freedom, and I hope to pay it forward to the men and women I served with who don't have the opportunity to stand before the Michigan Senate and advocate for their needs as veterans returning back home.

I think of my battle buddies who have lost their lives. Matt Webber, a friend of mine from college—we went to Western Michigan University together—we were in sister battalions and as I came home from Guantanamo Bay he was sent over to Iraq. He tragically was mortally wounded by an IED and lost his life at only 23 years old. He's buried near Big Rapids in the hometown he grew up in. Duane Dreasky, one of my closest friends in the Army, we were roommates on a deployment to Guantanamo Bay together, served alongside each other on the cell blocks, had a lot of fun and a lot of grief together as well. He was on the same mission that Matt Webber was killed on in Iraq, and he's buried in section 60 of Arlington National Cemetery.

I hope we've learned a lesson in war, fighting throughout the last 20 years. I mentioned last week that we absolutely are a force for good in the world, but we cannot liberate people from themselves and their own failed ideology. I pray for the future of our country and the lives that were lost on 9/11, and those that followed and were lost in the pursuit of freedom across the globe since then. As my friend from the 2nd District mentioned, this battle isn't over and perhaps they need our prayers now more than ever.

The President, Lieutenant Governor Gilchrist, assumed the Chair.

Senator MacDonald's statement is as follows:

People of the Michigan Senate, it is my distinct pleasure to recognize an outstanding intern who has served in my office this summer.

Leo St. Amour has served the citizens of the 10th District with an unmatched dedication. He has shown a true passion for public service and has demonstrated a keen understanding of state government and constituent relations. Leo is always punctual and willing to go above and beyond what is expected of him. He even came out door-knocking with me. I could always count on Leo to produce high-quality work with little need or guidance. His consistent communication and synergy with district staff provided him with valuable life lessons on how to effectively work in an office ecosystem.

Leo is currently a senior at Michigan State University's James Madison College where he is studying international relations with plans of going to law school in the future. I want to thank Leo St. Amour for his dedication, and I wish him the best of luck in all of his future endeavors. Leo, thank you.

Senator LaSata's statement is as follows:

Colleagues, I would like to recognize Phoebe Biermann from my office who is leaving us, unfortunately. Phoebe has done such a great job in the District 21 office. Her reasonableness is something I could learn, I guess, and her ability to stay calm and measured has really helped in our office at the difficult times when we get out those phone calls as people are shouting, or the emails that are a little bit on the negative side.

Phoebe has done a wonderful job. We will truly miss her. I have a seal for her in appreciation for all the work that she has done. Phoebe will be moving on to the Realtors Association, so you will probably see her somewhere along the way with the realtors. Thank you very much Phoebe.

Senator McMorrow's statement is as follows:

As some people in this room may know, I am not a native Michigander. I am originally from New Jersey, my family are New Yorkers, and I've always had a little bit of a hard time with the anniversary of September 11 because it happened to people I know—my husband lost somebody, friends I was in school with lost parents—because where I lived, you commuted into the city to go to work.

Since then, I've lived all over the country and I've seen memorials and statues and events honoring September 11 everywhere. It's a tough event because we have to grapple with it on two levels—there's the event that took place in New York and to people who were on the plane that went down on its way to D.C., and then there's what it meant for all of us as Americans. Especially 20 years later, something that always gets me is for families of people who lost somebody that day, that you're not able to move on because you're reminded of it every single year. I was traveling over the weekend and saw somebody wearing a t-shirt that had a graphic on it saying, 9/11/2021, and I just did not know what that would feel like to a family member who's trying to put their life back together year after year after year. I think we have to find a way to do both—grapple with what this means for us as a country and as Americans and how it impacted all of us.

I know the instinct is for all of us on this anniversary every year to kind of start with where you were, that's always the story, right?—I know where I was when I saw it on TV—but for a lot of people it wasn't just something on TV, it happened in their hometown and to their parent's workplace and there are first responders who were there that day who have never recovered physically, but there's also just a lot of people who just tried to go to work and never came home. As we come up on the 20th anniversary, I'd ask that all of us just take some time to think about those people as well and what this must feel like every year and how we can do our part to always think and recognize and honor them and hopefully through our work and how we express our own feelings about this day, make sure we're helping them to move on as well.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Thursday, September 2, for her approval the following bills:

Enrolled Senate Bill No. 400 at 1:01 p.m.

Enrolled Senate Bill No. 408 at 1:03 p.m.

The Secretary announced that the following bills were printed and filed on Thursday, September 2, and are available on the Michigan Legislature website:

Senate Bill Nos. 630 631 632

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary and Public Safety submitted the following:

Meeting held on Thursday, September 9, 2021, at 9:00 a.m., Room 1100, Binsfeld Office Building

Present: Senators Victory (C), VanderWall, Barrett, Johnson, Runestad, Chang and Irwin

Scheduled Meetings

Capitol Commission – Monday, September 13, 11:00 a.m., Room H-65, Capitol Building (517) 373 0184

Economic and Small Business Development, Joint with House Commerce and Tourism – Wednesday, September 15, 12:00 noon, Senate Hearing Room, Ground Floor, Boji Tower (517) 373-1721

Senate Fiscal Agency Governing Board – Wednesday, September 15, 9:00 a.m., Harry T. Gast Appropriations Room, 3rd Floor, Capitol Building (517) 373-2768

Senator LaSata moved that the Senate adjourn.

The motion prevailed, the time being 11:04 a.m.

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Tuesday, September 14, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate